


<b>Application Number</b> 	<b>Application/Control No.</b> 10/823,993	<b>Applicant(s)/Patent under Reexamination</b> MACRAE ET AL.	
<b>Document Code - DISQ</b>		<b>Internal Document – DO NOT MAIL</b>	

<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
<b>Date Filed : May 9, 2008</b>	<b>This patent is subject to a Terminal Disclaimer</b>	

<b>Approved/Disapproved by:</b>
Henry D. Jefferson

**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:  APPL. S. N:   
 To Examiner:  Art Unit:   
 From:  Return This Memo To: Case   
 PARALEGAL SPCECIALIST Drop-Off Location

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of  has not been submitted nor is there any authorization in the application file for the use of a deposit account
  - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
  - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
  - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
  - ☐ The person who signed the T.D.:
    - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
    - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
    - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
  - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
  - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
  - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
  - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
  - ☐ Other:
  - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date: \_\_\_\_\_

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Douglas B. Macrae et al.  
Application No. : 10/823,993 Confirmation No. : 5005  
Filed : April 13, 2004  
For : SYSTEM AND METHOD FOR DETECTION AND  
INDICATION OF PREMIUM CHANNEL  
AVAILABILITY (as amended)  
Art Unit : 2623  
Examiner : Paul J. Graham

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER  
UNDER 37 C.F.R. § 1.321(b,c)

Sir:

GEMSTAR DEVELOPMENT CORPORATION, a corporation organized and existing under the laws of the State of California and having an office and place of business at 6922 Hollywood Blvd., Los Angeles, California 90028, represents that it is the assignee of record of the entire, right, title and interest, by assignment, of the following issued United States patent and pending United States patent application:

1. U.S. Patent No. 6,745,391 for "PREMIUM CHANNEL PROMOTION SYSTEM AND METHOD," issued June 1, 2004 on Application No. 09/293,201, filed April 16, 1999. An assignment of the '201 application by the inventor to E GUIDE,

INC. was recorded on August 6, 1999 at Reel 10147, Frames 546-552. An assignment of the '201 application from E GUIDE, INC. to GEMSTAR DEVELOPMENT CORPORATION was recorded on October 9, 2007 at Reel 19930, Frames 214-219.

2. Application No. 10/823,993, filed April 13, 2004, which is a continuation of Application No. 09/293,201, filed April 16, 1999. The assignment of the '201 application is effective for the '993 application as a continuation.

The undersigned, on behalf of GEMSTAR DEVELOPMENT CORPORATION, hereby disclaims the terminal portion of the term of any patent to be issued on the present application, Application No. 10/823,993, which would extend beyond the expiration date of the full statutory term of Patent No. 6,745,391.\*

The undersigned, on behalf of GEMSTAR DEVELOPMENT CORPORATION, agrees that any patent to be issued on the present Application No. 10/823,993 shall be enforceable only for and during such period as the legal title to such patent shall be the same as the legal title to said Patent No. 6,745,391, this agreement to run with any patent to be issued on Application No. 10/823,993 and to be binding upon the grantee of such patent and its successors and assigns.

The undersigned, on behalf of GEMSTAR DEVELOPMENT CORPORATION, does not disclaim any terminal part of the term of any patent, to be issued on the above-identified Application No. 10/823,993, that would extend to the expiration date of the full statutory term of Patent No. 6,745,391,\* in the event that Patent No. 6,745,391:

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\* It is applicants' and assignee's intention that if any change in the patent statutes delays the expiration of Patent No. 6,745,391, or if Patent No. 6,745,391 is hereafter awarded patent term adjustment under 35 U.S.C. § 154(b), then the date beyond which the term of any patent to issue on this application is disclaimed shall change along with the expiration date of the parent patent.

(a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a,b), (e) has all claims cancelled by a reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. He is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the above-identified Application No. 10/823,993 is in assignee.

GEMSTAR DEVELOPMENT CORPORATION

/Gall C. Gotfried/

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Gall C. Gotfried  
Reg. No. 58,333  
Agent for Applicants  
and Assignee  
ROPES & GRAY LLP  
Customer No. 75563